

REMARKS

This amendment is submitted in response to the outstanding Office Action, Paper No. 20041127, dated December 6, 2004. The pending claims in the application are claims 19-22 and 25-38. Favorable reconsideration of the application, and a Notice of Allowance, are respectfully requested.

Amended claim 19 and new claim 39 include the language "the mat has a minimum ultimate elongation of at least 5%". Basis is found in the table at page 16 of the specification, and in the sentence immediately preceding the table.

Claim 19 was objected to because the wording "above about 330°F" was considered by the Examiner to be unclear. Claim 19 has been amended to delete "about".

Claim 19 was rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,648,547. Amended claim 19 and new claim 39 each state that "the mat has a load-elongation behavior such that when the mat is subject to tensile stress, the mat achieves at least 90% of its ultimate load at an elongation not greater than 5% of the specimen length in the direction of applied stress". This limitation is not present in claim 1 of U.S. 6,648,547. Therefore, it is submitted that claim 19 does not claim the same invention as U.S. 6,648,547.

Claims 19-22 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,362,780 to Marzocchi et al. Amended claim 19 and new claim 39 state that the mat has a minimum ultimate elongation of at least 5%, and the mat has a load-elongation behavior such that when the mat is subject to tensile stress, the mat achieves at least 90% of its ultimate load at an elongation not greater than 5% of the specimen length in the direction of applied stress. The Marzocchi et al. patent discloses an asphalt-impregnated mat of glass fibers or other mineral fibers. The mat is described as being "board-like" and "rigid" or "semi-rigid" (col. 3, lines 23-25; col. 5, line 17; and col. 6, line 56). The mat has a thickness between one-eighth inch and five inches (col. 6, lines 63-64). The description of the mat as rigid and board-like suggests that the mat cannot be stretched to any substantial degree. Therefore, the mat would not have a minimum ultimate elongation of at least 5%. There is nothing in the Marzocchi et al. patent to suggest a mat that is stretchable such that it has a minimum

ultimate elongation of at least 5%, and that has a load-elongation behavior such that when the mat is subject to tensile stress, the mat achieves at least 90% of its ultimate load at an elongation not greater than 5% of the specimen length in the direction of applied stress. Consequently, it is respectfully submitted that the invention recited in the instant claims is novel and nonobvious in view of the Marzocchi et al. patent.

The prior art made of record and not relied upon has been reviewed by Applicants' attorney, but it is not considered to be any more pertinent than the art of record. suggests that the mat cannot be stretched to any substantial degree. In particular, there is no suggestion in the Gallagher et al. patent to produce a mat that has a minimum ultimate elongation of at least 5%, and that has a load-elongation behavior such that when the mat is subject to tensile stress, the mat achieves at least 90% of its ultimate load at an elongation not greater than 5% of the specimen length in the direction of applied stress.

In view of the above remarks, Applicants have shown that the claims are in proper form for allowance, and the invention, as defined in the claims, is neither disclosed nor suggested by the references of record. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections and objections of record, and allowance of all claims.